

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE JOINT RESOLUTION NO. 72

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RICHARDSON (Sponsor), JONES (110), STREAM, FITZPATRICK, HAEFNER, MCCAHERTY, HANSEN, BERRY, HOUGHTON, CIERPIOT, DIEHL, ROWDEN, LICHTENEGGER, ENTLICHER, PFAUTSCH, ROSS, RHOADS, AUSTIN, HAMPTON, SOLON, GANNON, CURTMAN, DOHRMAN, PIKE, LYNCH, LAIR, FRANKLIN, HOSKINS, FLANIGAN, BARNES, WILSON, JONES (50) AND HICKS (Co-sponsors).

5412H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the governor's budgetary authority.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 24 and 27, article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 24 and 27, to read as follows:

Section 24. The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies[, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures]. **The governor shall not determine estimated available revenues of the state using any projection of new revenues to be created from proposed legislation that has not been passed into law by the general**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 assembly. Estimates of any unspent fund balances, without regard to actual or estimated  
9 revenues but accounting for all existing appropriations, that will constitute a surplus  
10 during the fiscal year immediately preceding the fiscal year or years for which the  
11 governor is recommending a budget, may be included in the estimated revenue available  
12 for expenditure during the fiscal year or years for which the governor is recommending  
13 a budget. As used in this section, new revenues shall not include existing provisions of law  
14 subject to expiration during the ensuing appropriation period.

Section 27. 1. The governor may control the rate at which any appropriation is expended  
2 during the period of the appropriation by allotment [or other means,] and may reduce the  
3 expenditures of the state or any of its agencies below their appropriations whenever the actual  
4 revenues are less than the revenue estimates upon which the appropriations were based. The  
5 governor shall not reduce any appropriation for the payment of principal and interest on  
6 the public debt.

7 2. The governor shall notify the general assembly by proclamation whenever the  
8 rate at which any appropriation shall be expended is not equal quarterly allotments, the  
9 sum of which shall be equal to the amount of the appropriation. Any rate of expenditure  
10 for any appropriation which is not equal quarterly allotments shall stand reconsidered in  
11 the chamber in which the bill that contained the appropriation originated. Such  
12 reconsideration shall be in the manner that a bill is reconsidered under article III, section  
13 32. Either the general assembly that receives the proclamation or the next general  
14 assembly may reconsider the rate of expenditure. If the general assembly successfully  
15 reconsiders the rate of expenditure for the appropriation in question, the rate shall be  
16 assumed to be equal quarterly allotments. Such reconsideration may be at any time the  
17 general assembly is in session including sessions pursuant to article III, sections 20, 20(b),  
18 and 32 and article IV, section 9. Either the general assembly that receives the  
19 proclamation or the next general assembly may reconsider such allotment allocation  
20 change. Such reconsideration may be at any time the general assembly is in session  
21 including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section  
22 9.

23 3. The governor shall notify the general assembly by proclamation when the  
24 governor reduces one or more items or portions of items of appropriation of money as a  
25 result of actual revenues being less than the revenue estimates upon which the  
26 appropriations were based. Each item or portions of items of appropriation of money shall  
27 stand reconsidered in the chamber in which the bill that contained the appropriation  
28 originated. Such reconsideration shall be in the manner that a bill is reconsidered under  
29 article III, section 32. Either the general assembly that receives the proclamation or the

30 **next general assembly may reconsider such reduction. Such reconsideration may be at any**  
31 **time the general assembly is in session including sessions pursuant to article III, sections**  
32 **20, 20(b), and 32 and article IV, section 9.**

Section B. Pursuant to Chapter 116, RSMo, and other applicable constitutional  
2 provisions and laws of this state allowing the General Assembly to adopt ballot language for the  
3 submission of a joint resolution to the voters of this state, the official ballot title of the  
4 amendment proposed in Section A shall be as follows:

5 “Shall the Missouri Constitution be amended to require the governor to pay the public  
6 debt, to prohibit the governor from relying on revenue from legislation not yet passed when  
7 proposing a budget, and to provide a legislative check on the governor’s decisions to restrict  
8 funding for education and other state services?”

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